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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/623,317	08/31/2000	Darren Michael Launders	36-1350	1859

7590 03/17/2003  
Nixon & Vanderhye  
1100 North Glebe Road  
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Arlington, VA 22201-4714

EXAMINER

HAROLD, JEFFEREY F

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 03/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/623,317

Applicant(s)

Examiner

Jefferey F. Harold

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-15 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Application/Control Number: 09/623,317  
Art Unit: 2644

## DETAILED ACTION

### *Information Disclosure Statement*

1. The references listed in the Information Disclosure Statement submitted on April 10, 2001, have been considered by the examiner (see attached PTO-1449).

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-4 and 6-14** are rejected under 35 U.S.C. 102(b) as being anticipated by Herrero Garcia et al. (United States Patent 5,187,735), hereinafter referenced as Herrero Garcia.

Regarding **claim 1**, Herrero Garcia discloses an integrated voice mail based voice and information processing system. In addition, Herrero Garcia discloses a process of operating the system including:

(a) in response to an introductory prompt from a business remote from a caller, which reads on claimed "subscriber terminal", pre-programming the network to respond to a predetermined digit or a sequence of digits from the caller,

(b) communicating to the caller a greeting and presenting the caller with further voice mail prompts;

Application/Control Number: 09/623,317  
Art Unit: 2644

(c) subsequently initiating after "hook flash" routing a call from the caller in response to the caller dialing a predetermined digit or sequence of digits, as disclosed at column 10, line 35 through column 17, line 44 and exhibited in figures 1-4.

Regarding **claim 2**, Herrero Garcia discloses everything claimed as applied above (see claim 1), in addition Herrero Garcia discloses communicating the greeting to the caller during an in progress call, which reads on claimed "off-hook signal", as disclosed at column 10, line 35 through column 17, line 44 and exhibited in figures 1-4.

Regarding **claim 3**, Herrero Garcia discloses everything claimed as applied above (see claim 1), in addition Herrero Garcia discloses wherein the greeting is communicated to the caller as an in-band audio announcement, disclosed at column 10, line 35 through column 17, line 44 and exhibited in figures 1-4.

Regarding **claim 4**, Herrero Garcia discloses everything claimed as applied above (see claim 2), Herrero Garcia discloses wherein the greeting includes a paid for advertisement for services accessed by a telephone number corresponding to one of the predetermined dialed digit or sequence of dialed digits, as disclosed at column 19, line 35 through column 20, line 43 and exhibited in figures 7A through 7C.

Regarding **claim 6**, Herrero Garcia discloses everything claimed as applied above (see claim 1), in addition Herrero Garcia discloses wherein the step of pre-programming the network includes programming a number translation platform remote from the caller with a plurality of different predetermined digits or sequence of digit allocations for a plurality of different callers, as disclosed at column 19, line 35 through column 20, line 43 and exhibited in figures 7A through 7C.

Regarding **claim 7**, Herrero Garcia discloses everything claimed as applied above (see claim 6), in addition Herrero Garcia discloses including transmitting from a automatic call distribution (ACD), which reads on claimed "management platform" to the voice mail system (VMS), which reads on claimed "number translation platform, instructions for determining the allocation of short dialing codes, and transmitting from the ACD to the PBX, which reads on claimed "local exchange", the greeting identifying the allocation of digits or sequence of digits for a caller, as disclosed at column 19, line 35 through column 20, line 43 and exhibited in figures 7A through 7C.

Regarding **claims 8, 9 and 13**, they are interpreted and thus rejected for the reasons set forth above in the rejection of claims 3, 4 and 6.

Regarding **claim 10**, Herrero Garcia discloses everything claimed, as applied above (see claim 1), in addition Herrero Garcia discloses wherein the step of pre-programming the network includes storing greetings determining the allocation of predetermined digits or sequence of digits at a service node located at the edge of the network, as disclosed at column 14, lines 5-59 and exhibited in figure 2.

Regarding **claim 11**, it is interpreted and thus rejected for the reasons set forth above in the rejection of claims 1 and 10.

Regarding **claim 12**, it is interpreted and thus rejected for the reasons set forth above in the rejection of claims 1 and 2.

Regarding **claims 14-15**, they are interpreted and thus rejected for the reasons set forth above in the rejection of claims 1-13.

***Allowable Subject Matter***

3. **Claim 5** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F. Harold whose telephone number is (703) 306-5836. The examiner can normally be reached on Monday-Friday 7:30am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



JFH  
March 10, 2003



FORESTER W. ISEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2644